

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

FRANKLIN L. SIBLEY

PLAINTIFF

v.

CIVIL ACTION NO. 3:20-CV-00282-GHD-JMV

**CITIZENS BANK & TRUST COMPANY
OF MARKS, QUITMAN COUNTY, MISSISSIPPI
And PEYTON MB SELF III**

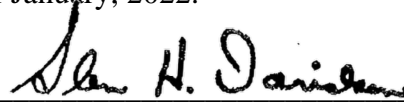
DEFENDANTS

ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANT CITIZENS BANK'S MOTION TO DISMISS

Pursuant to an opinion issued this day, it is hereby ORDERED that:

- (1) the Joint Motion to Dismiss and Motion to Strike Jury Demand filed by Defendant Citizens Bank & Trust Company of Marks, Quitman County, Mississippi [10] is GRANTED in part and DENIED in part;
- (2) the Defendant's request to dismiss the Plaintiff's claims alleging state law causes of action for breach of contract, tortious breach of contract, and intentional interference with contractual relations [1] is GRANTED;
- (3) the Defendant's request to strike the Plaintiff's jury demand [1] is GRANTED;
- (4) the Defendant's request to dismiss the Plaintiff's claim alleging a cause of action under § 510 of the Employee Retirement Income Security Act of 1974 ("ERISA") is DENIED; and
- (5) the Plaintiff's claim under ERISA § 510 shall be allowed to proceed, along with the Plaintiff's unchallenged claims under ERISA §§ 502(a) and 503 [1].

SO ORDERED, this the 18th day of January, 2022.

A handwritten signature in black ink, appearing to read "Sen. H. Davidson", written over a horizontal line.

SENIOR U.S. DISTRICT JUDGE